

Remarks

The Office Action mailed October 3, 2003 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-29 are now pending in this application. Claims 1-21 stand rejected. Claims 22-29 have been newly added.

A fee calculation sheet for the newly added claims along with authorization to charge a deposit account in the amount of the calculated fee are submitted herewith. Additionally, in accordance with 37 C.F.R. 1.136(a), a one-month extension of time is submitted herewith to extend the due date of the response to the Office Action dated October 3, 2003 for the above-identified patent application from January 3, 2004 through and including February 3, 2004. In accordance with 37 C.F.R. 1.17(a)(2), authorization to charge a deposit account in the amount of \$110.00 to cover this extension of time request also is submitted herewith.

The rejection of Claims 1-3, 5-10, 12-15 and 17-21 under 35 U.S.C. § 103 as being unpatentable over Walker et al. (U.S. Patent No. 6,119,093) ("Walker") is respectfully traversed.

Applicant respectfully submits that Walker does not describe or suggest the claimed invention. As discussed below, at least one of the differences between Walker and the present invention is that Walker does not describe or suggest a method for a risk carrier to assume monetary risks from a plurality of risk cedents that includes calculating an available risk assumption capacity for the risk carrier including at least one of a per occurrence capacity and a cedent capacity wherein the per occurrence capacity is a predetermined amount of risk that the risk carrier may assume for a specific type of proposal and the cedent capacity is a predetermined amount of risk that the risk carrier may assume for a specific cedent, and identifying risk cedents having a class of risk that includes at least one type of risk that the risk carrier is interested in assuming under predetermined terms.

Moreover, Walker does not describe or suggest a method that includes posting on a server associated with the risk carrier a plurality of proposals to assume selected risks of the identified risk cedents such that the proposals are viewable through a computer network.

Furthermore, Walker does not describe or suggest a method that includes initializing on the server the available risk assumption capacity of the risk carrier, electronically recalculating the available risk assumption capacity upon accepting the offer, and electronically withdrawing from availability for submission as an offer any of the proposals whose acceptance by the risk carrier would reduce the available risk assumption capacity, as recalculated, below a selected amount.

Additionally, Walker does not describe or suggest a method for a reinsurer to sell reinsurance for a plurality of classes of insurance to a plurality of cedents that includes initializing on the server a cedent capacity for each of the cedents and a per occurrence capacity for each of the proposals, electronically recalculating the cedent capacity of the cedent and the per occurrence capacity of the proposal upon accepting the offer...and electronically withdrawing from availability for submission as an offer any of the proposals whose acceptance would reduce the cedent capacity and the per occurrence capacity, as recalculated, below a selected amount.

Walker describes a system for facilitating a syndicated sale of an insurance policy. The system employs a processor and a storage device connected to the processor, and a data receiving device and a data output device connected to the processor. The processor executes a program to receive information relating to the insurance policy, and transmit for electronic viewing by a potential buyer an invitation to offer to buy a share in the underwriting of the insurance policy. The share has associated therewith a risk cost assessable to the buyer if payment is made on a claim under the insurance policy. The processor receives offers to underwrite the share of the insurance policy; each offer includes information identifying collateral (e.g., line of credit associated with a credit card account) against which the risk cost may be charged in the event of

payment on a claim. The transmission of the invitation and the offer to buy a share may advantageously be made on the Internet.

Claim 1 recites a method for a risk carrier to assume monetary risks from a plurality of risk cedents using a server associated with the risk carrier, the method includes “(a) calculating an available risk assumption capacity for the risk carrier including at least one of a per occurrence capacity and a cedent capacity, the per occurrence capacity is a predetermined amount of risk that the risk carrier may assume for a specific type of proposal, the cedent capacity is a predetermined amount of risk that the risk carrier may assume for a specific cedent...(b) identifying risk cedents having a class of risk that includes at least one type of risk that the risk carrier is interested in assuming under predetermined terms...(c) posting on the server by the risk carrier a plurality of proposals to assume selected risks of the identified risk cedents such that the proposals are viewable through a computer network...(d) initializing on the server the available risk assumption capacity of the risk carrier...(e) enabling electronic submission by any one of the identified cedents of one of the proposals to assume selected risks associated with the cedent as an offer by the cedent to cede a selected risk for acceptance by the risk carrier...(f) electronically accepting, by the risk carrier, the offer submitted by one of the identified cedents...(g) electronically recalculating the available risk assumption capacity upon accepting the offer...and (h) electronically withdrawing from availability for submission as an offer any of the proposals whose acceptance by the risk carrier would reduce the available risk assumption capacity, as recalculated, below a selected amount.”

Walker does not describe or suggest a method for a risk carrier to assume monetary risks from a plurality of risk cedents as recited in Claim 1. More specifically, Walker does not describe or suggest a method that includes calculating an available risk assumption capacity for the risk carrier including at least one of a per occurrence capacity and a cedent capacity wherein the per occurrence capacity is a predetermined amount of risk that the risk carrier may assume for a specific type of proposal and the cedent capacity is a predetermined amount of risk that the risk carrier may assume for a specific cedent, and identifying risk cedents having a class of risk

that includes at least one type of risk that the risk carrier is interested in assuming under predetermined terms.

Moreover, Walker does not describe or suggest a method for a risk carrier to assume monetary risks from a plurality of risk cedents using a server associated with the risk carrier, wherein the method includes posting on the server by the risk carrier a plurality of proposals to assume selected risks of the identified risk cedents such that the proposals are viewable through a computer network. Rather, Walker describes a system for facilitating a syndicated sale of an insurance policy wherein an insurance company posts for viewing by a potential buyer an invitation to offer to buy a share in the underwriting of the insurance policy. In other words, Walker describes a system wherein a cedent (i.e., the insurance company) posts for viewing by a potential risk carrier an invitation to buy a share in the underwriting of an insurance policy. Accordingly, Walker does not describe or suggest posting on a server by a risk carrier a plurality of proposals to assume selected risks of identified risk cedents.

Furthermore, Walker does not describe or suggest a method that includes initializing on the server the available risk assumption capacity of the risk carrier, electronically recalculating the available risk assumption capacity upon accepting the offer, and electronically withdrawing from availability for submission as an offer any of the proposals whose acceptance by the risk carrier would reduce the available risk assumption capacity, as recalculated, below a selected amount.

Rather, in contrast to the present invention, Walker describes a system for facilitating a syndicated sale of an insurance policy that includes a processing system that transmits for electronic viewing by a potential buyer an invitation to offer to buy a share in an underwriting of an insurance policy. The invitation includes a share having associated therewith a risk cost assessable to a buyer of the share if a payment to an insured is made pursuant to the insurance policy. The system also receives an offer to buy the share that includes information identifying

collateral (e.g., line of credit associated with a credit card) against which the risk cost may be charged if the payment to the insured pursuant to the insurance policy is made.

Applicant respectfully submits that Walker does not describe or suggest a method that includes calculating an available risk assumption capacity for the risk carrier including at least one of a per occurrence capacity and a cedent capacity. Claim 1 specifically recites that the available risk assumption capacity includes at least one of a per occurrence capacity and a cedent capacity. Claim 1 also recites that the per occurrence capacity is a predetermined amount of risk that the risk carrier may assume for a specific type of proposal, and the cedent capacity is a predetermined amount of risk that the risk carrier may assume for a specific cedent. In fact, Applicant respectfully submits that Walker does not in any way describe or teach a per occurrence capacity or a cedent capacity as recited in Claim 1. Even if the individual investor described in Walker is a risk carrier as suggested by the Office Action at page 3, Walker does not teach that the investor has a per occurrence capacity or a cedent capacity. Rather, the only possible "capacity" described in Walker is the existing unused credit line available on the individual's credit card, which does not teach the per occurrence capacity or the cedent capacity recited in Claim 1. (See Walker col. 5 lines 14-15).

Applicant also submits that Walker does not describe or suggest a method that includes identifying risk cedents having a class of risk that includes at least one type of risk that the risk carrier is interested in assuming under predetermined terms. Rather, in contrast to the present invention, the risk cedent described in Walker is an insurance company that transmits for electronic viewing by a potential buyer an invitation to offer to buy a share in an underwriting of an insurance policy. Walker does not mention identifying risk cedents based on classes of risk.

Moreover, Applicant submits that Walker does not describe or suggest a method for a risk carrier to assume monetary risks from a plurality of risk cedents using a server associated with the risk carrier wherein the method includes posting on the server by the risk carrier a plurality of proposals to assume selected risks of the identified risk cedents such that the

proposals are viewable through a computer network. More specifically, Walker describes a method where proposals to sell risks are posted on the risk cedent's, or insurance company's, server (110) and accessed by the individual investor (141), the risk carrier. The method described in Walker is in contrast to the method recited in Claim 1 wherein the risk carrier's server is used by the risk carrier to post the proposals. Applicant further submits that it would not be obvious to turn the method described in Walker around to allow the individual credit cardholders to post proposals on their server to buy a share of a selected insurance policy. The portion of the total risk that could be assumed by any one credit card holder would appear relatively small, making it relatively inefficient for a cedent to have to view and choose between the large number of proposals it would probably take to obtain an adequate or desired amount of reinsurance. Therefore, it would not have been obvious to one skilled in the art to modify Walker to obtain the claimed method.

Furthermore, Applicant respectfully submits that Walker does not describe or suggest a method that includes initializing on a server an available risk assumption capacity of the risk carrier, electronically recalculating the available risk assumption capacity upon accepting the offer, and electronically withdrawing from availability for submission as an offer any of the proposals whose acceptance by the risk carrier would reduce the available risk assumption capacity, as recalculated, below a selected amount. As indicated above, the available risk assumption capacity as recited in Claim 1 is neither described nor suggested in Walker. More specifically, the only capacity described in Walker is the existing unused credit line available on the individual's credit card, which does not describe or teach the per occurrence capacity and the cedent capacity recited in Claim 1.

Further, Applicant respectfully traverses the suggestion in the Office Action that the step of "initializing on said server an available risk assumption capacity of said risk carrier associated with said proposals is met by the central server (120, Fig. 1) that transmits to the insurance company server updated policy information with transactions information used to calculate the amount of premium to be paid to each investor..." In Walker, the transmission from the central

server (120) to the insurance company server (110) of updated policy information (101) does not disclose the step of “initializing on the server the available risk assumption capacity of the risk carrier” wherein the available risk assumption capacity for the risk carrier includes at least one of a per occurrence capacity and a cedent capacity. Rather, policy information (101) described in Walker generally relates to terms of and information relating to the underlying policy to be reinsured or underwritten and is not the same thing as the available risk assumption capacity recited in Claim 1.

Applicant also respectfully traverses the suggestion in the Office Action that the step of “electronically recalculating [the] available risk assumption capacity upon accepting [the] offer is met by the central server (120, Fig. 1) that transmits to the insurance company server updated policy information with transactions information used to calculate the amount of premium to be paid to each investor...” The transmission described in Walker from the central server (120) to the insurance company server (110) of updated policy information (101) does not disclose the step of “electronically recalculating the available risk assumption capacity upon accepting the offer”. Rather, policy information (101) as described in Walker generally relates to terms of and information relating to the underlying policy to be reinsured or underwritten and is not the same thing as the available risk assumption capacity recited in Claim 1.

Additionally, Walker does not describe or suggest electronically withdrawing from availability for submission as an offer any of the proposals whose acceptance by the risk carrier would reduce the available risk assumption capacity, as recalculated, below a selected amount. As indicated above, the available risk assumption capacity recited in the present invention is neither described nor suggested in Walker. Moreover, Walker does not describe or teach withdrawing from availability for submission as an offer any of the proposals posted on the server by the risk carrier. Accordingly, Applicant respectfully submits that Claim 1 is patentable over Walker.

For at least the reasons set forth above, Claim 1 is submitted to be patentable over Walker.

Claims 2 and 3 depend from independent Claim 1. When the recitations of Claims 2 and 3 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2 and 3 likewise are patentable over Walker.

Claim 5 recites a method for a risk carrier to assume monetary risks from a plurality of risk cedents using a server associated with the risk carrier, the method including “(a) calculating an available risk assumption capacity for the risk carrier including at least one of a per occurrence capacity and a cedent capacity, the per occurrence capacity is a predetermined amount of risk that the risk carrier may assume for a specific type of proposal, the cedent capacity is a predetermined amount of risk that the risk carrier may assume for a specific cedent...(b) identifying risk cedents having a class of risk that includes at least one type of risk that the risk carrier is interested in assuming under predetermined terms...(c) posting on the server by the risk carrier a proposal to assume a monetary risk of the identified risk cedents such that the proposal is viewable by the identified risk cedents through a computer network...(d) initializing on the server the available risk assumption capacity of the risk carrier...(e) enabling at least one of the identified risk cedents to respond to the proposal to assume a monetary risk by electronically submitting to the risk carrier an offer to cede the monetary risk for acceptance by the risk carrier...(f) electronically accepting, by the risk carrier, the offer submitted by one of the identified risk cedents...(g) electronically recalculating the available risk assumption capacity upon accepting the offer...and (h) electronically withdrawing the proposal from availability for submission as an offer to cede the monetary risk if further acceptance of the offer would reduce the available risk assumption capacity, as recalculated, below a selected amount.”

Walker does not describe or suggest a method for a risk carrier to assume monetary risks from a plurality of risk cedents as recited in Claim 5. More specifically, as described above, Walker does not describe or suggest a method that includes calculating an available risk

assumption capacity for the risk carrier including at least one of a per occurrence capacity and a cedent capacity wherein the per occurrence capacity is a predetermined amount of risk that the risk carrier may assume for a specific type of proposal and the cedent capacity is a predetermined amount of risk that the risk carrier may assume for a specific cedent, and identifying risk cedents having a class of risk that includes at least one type of risk that the risk carrier is interested in assuming under predetermined terms.

Moreover, as described above, Walker does not describe or suggest a method for a risk carrier to assume monetary risks from a plurality of risk cedents using a server associated with the risk carrier, wherein the method includes posting on the server by the risk carrier a proposal to assume a monetary risk of the identified risk cedents such that the proposal is viewable by the identified risk cedents through a computer network. Rather, Walker describes a system for facilitating a syndicated sale of an insurance policy wherein an insurance company posts for viewing by a potential buyer an invitation to offer to buy a share in the underwriting of the insurance policy. In other words, Walker describes a system wherein a cedent (i.e., the insurance company) posts for viewing by a potential risk carrier an invitation to buy a share in the underwriting of an insurance policy. Accordingly, Walker does not describe or suggest posting on a server by a risk carrier a proposal to assume a monetary risk of identified risk cedents.

Furthermore, as described above, Walker does not describe or suggest a method that includes initializing on the server the available risk assumption capacity of the risk carrier, electronically recalculating the available risk assumption capacity upon accepting the offer, and electronically withdrawing the proposal from availability for submission as an offer to cede the monetary risk if further acceptance of the offer would reduce the available risk assumption capacity, as recalculated, below a selected amount.

Rather, in contrast to the present invention, Walker describes a system for facilitating a syndicated sale of an insurance policy that includes a processing system that transmits for electronic viewing by a potential buyer an invitation to offer to buy a share in an underwriting of

an insurance policy. The invitation includes a share having associated therewith a risk cost assessable to a buyer of the share if a payment to an insured is made pursuant to the insurance policy. The system also receives an offer to buy the share that includes information identifying collateral (e.g., a line of credit associated with a credit card) against which the risk cost may be charged if the payment to the insured pursuant to the insurance policy is made. Accordingly, Applicant respectfully submits that Claim 5 is patentable over Walker.

For at least the reasons set forth above, Claim 5 is submitted to be patentable over Walker.

Claims 6 and 7 depend from independent Claim 5. When the recitations of Claims 6 and 7 are considered in combination with the recitations of Claim 5, Applicant submits that dependent Claims 6 and 7 likewise are patentable over Walker.

Claim 8 recites a method for ceding a plurality of monetary risks from a risk cedent to a risk carrier using a server associated with the risk carrier, the method includes “(a) calculating an available risk assumption capacity for the risk carrier including at least one of a per occurrence capacity and a cedent capacity, the per occurrence capacity is a predetermined amount of risk that the risk carrier may assume for a specific type of proposal, the cedent capacity is a predetermined amount of risk that the risk carrier may assume for a specific cedent...(b) identifying a risk cedent having a class of risk that includes at least one type of risk that the risk carrier is interested in assuming under predetermined terms...(c) posting on the server by the risk carrier a plurality of proposals to assume a plurality of risks of the identified risk cedent such that the proposals are viewable by the cedent through a computer network...(d) initializing on the server the available risk assumption capacity of the risk carrier...(e) enabling electronic submission by the cedent of any one of the proposals to assume a plurality of risks as an offer to cede the plurality of risks for acceptance by the risk carrier...(f) electronically accepting, by the risk carrier the offer submitted by the cedent...(g) electronically recalculating the available risk assumption capacity upon accepting the offer...and (h) electronically withdrawing from

availability for submission as an offer any of the proposals which have not been submitted for acceptance and whose acceptance would reduce the available risk assumption capacity, as recalculated, below a selected amount.”

Walker does not describe or suggest a method for ceding a plurality of monetary risks from a risk cedent to a risk carrier as recited in Claim 8. More specifically, as described above, Walker does not describe or suggest a method that includes calculating an available risk assumption capacity for the risk carrier including at least one of a per occurrence capacity and a cedent capacity wherein the per occurrence capacity is a predetermined amount of risk that the risk carrier may assume for a specific type of proposal and the cedent capacity is a predetermined amount of risk that the risk carrier may assume for a specific cedent, and identifying risk cedents having a class of risk that includes at least one type of risk that the risk carrier is interested in assuming under predetermined terms.

Moreover, as described above, Walker does not describe or suggest a method for ceding a plurality of monetary risks from a risk cedent to a risk carrier using a server associated with the risk carrier, wherein the method includes posting on the server by the risk carrier a plurality of proposals to assume a plurality of risks of the identified risk cedent such that the proposals are viewable by the cedent through a computer network. Rather, Walker describes a system for facilitating a syndicated sale of an insurance policy wherein an insurance company posts for viewing by a potential buyer an invitation to offer to buy a share in the underwriting of the insurance policy. In other words, Walker describes a system wherein a cedent (i.e., the insurance company) posts for viewing by a potential risk carrier an invitation to buy a share in the underwriting of an insurance policy. Accordingly, Walker does not describe or suggest posting on a server by a risk carrier a plurality of proposals to assume a plurality of risks of the identified risk cedent.

Furthermore, as described above, Walker does not describe or suggest a method that includes initializing on the server the available risk assumption capacity of the risk carrier,

electronically recalculating the available risk assumption capacity upon accepting the offer, and electronically withdrawing from availability for submission as an offer any of the proposals which have not been submitted for acceptance and whose acceptance would reduce the available risk assumption capacity, as recalculated, below a selected amount.

Rather, in contrast to the present invention, Walker describes a system for facilitating a syndicated sale of an insurance policy that includes a processing system that transmits for electronic viewing by a potential buyer an invitation to offer to buy a share in an underwriting of an insurance policy. The invitation includes a share having associated therewith a risk cost assessable to a buyer of the share if a payment to an insured is made pursuant to the insurance policy. The system also receives an offer to buy the share that includes information identifying collateral (e.g., a line of credit associated with a credit card) against which the risk cost may be charged if the payment to the insured pursuant to the insurance policy is made. Accordingly, Applicant respectfully submits that Claim 8 is patentable over Walker.

For at least the reasons set forth above, Claim 8 is submitted to be patentable over Walker.

Claims 9 and 10 depend from independent Claim 8. When the recitations of Claims 9 and 10 are considered in combination with the recitations of Claim 8, Applicant submits that dependent Claims 9 and 10 likewise are patentable over Walker.

Claims 12-15 depend from independent Claim 11. Claim 11 recites a method for a reinsurer to sell treaty type reinsurance to a plurality of selected cedents using a server associated with the reinsurer, the method includes “(a) calculating an available risk assumption capacity for the reinsurer including at least one of a per occurrence capacity and a cedent capacity, the per occurrence capacity is a predetermined amount of risk that the reinsurer may assume for a specific type of proposal, the cedent capacity is a predetermined amount of risk that the reinsurer may assume for a specific cedent...(b) evaluating an insurance portfolio of each of a plurality of cedents...(c) developing proposals to reinsure selected insurance portfolios of the selected

cedents...(d) posting the proposals on the server by the reinsurer such that the proposals are viewable through a computer network...(e) initializing on the server the available risk assumption capacity of the reinsurer...(f) providing access through the computer network to the selected cedents to view the proposals...(g) enabling electronic submission by any one of the selected cedents of one of the proposals as an offer to cede a selected risk for acceptance by the reinsurer...(h) receiving the offer from the cedent by the reinsurer...(i) electronically accepting, by the reinsurer, the offer from the cedent...(j) electronically recalculating the available risk assumption capacity upon accepting the offer...and (k) electronically withdrawing from availability for submission as an offer to cede a selected risk any of the proposals whose acceptance would reduce the available risk assumption capacity, as recalculated, below a selected amount.”

Walker does not describe or suggest a method for a reinsurer to sell treaty type reinsurance to a plurality of selected cedents as recited in Claim 11. More specifically, as described above, Walker does not describe or suggest a method that includes calculating an available risk assumption capacity for the reinsurer including at least one of a per occurrence capacity and a cedent capacity wherein the per occurrence capacity is a predetermined amount of risk that the reinsurer may assume for a specific type of proposal and the cedent capacity is a predetermined amount of risk that the reinsurer may assume for a specific cedent, and evaluating an insurance portfolio of each of a plurality of cedents.

Moreover, as described above, Walker does not describe or suggest a method for a reinsurer to sell treaty type reinsurance to a plurality of selected cedents using a server associated with the reinsurer, wherein the method includes posting the proposals on the server by the reinsurer such that the proposals are viewable through a computer network. Rather, Walker describes a system for facilitating a syndicated sale of an insurance policy wherein an insurance company posts for viewing by a potential buyer an invitation to offer to buy a share in the underwriting of the insurance policy. In other words, Walker describes a system wherein a cedent (i.e., the insurance company) posts for viewing by a potential risk carrier an invitation to

buy a share in the underwriting of an insurance policy. Accordingly, Walker does not describe or suggest posting the proposals on a server by a reinsurer such that the proposals are viewable through a computer network.

Furthermore, as described above, Walker does not describe or suggest a method that includes initializing on the server the available risk assumption capacity of the reinsurer, electronically recalculating the available risk assumption capacity upon accepting the offer, and electronically withdrawing from availability for submission as an offer to cede a selected risk any of the proposals whose acceptance would reduce the available risk assumption capacity, as recalculated, below a selected amount.

Rather, in contrast to the present invention, Walker describes a system for facilitating a syndicated sale of an insurance policy that includes a processing system that transmits for electronic viewing by a potential buyer an invitation to offer to buy a share in an underwriting of an insurance policy. The invitation includes a share having associated therewith a risk cost assessable to a buyer of the share if a payment to an insured is made pursuant to the insurance policy. The system also receives an offer to buy the share that includes information identifying collateral (e.g., a line of credit associated with a credit card) against which the risk cost may be charged if the payment to the insured pursuant to the insurance policy is made. Accordingly, Applicant respectfully submits that Claim 11 is patentable over Walker.

When the recitations of Claims 12-15 are considered in combination with the recitations of Claim 11, Applicant submits that dependent Claims 12-15 likewise are patentable over Walker.

Claims 17-20 depend from independent Claim 16. Claim 16 recites a method for a reinsurer to sell reinsurance for a plurality of classes of insurance to a plurality of cedents using a server associated with the reinsurer, the method includes "(a) calculating an available risk assumption capacity for the reinsurer including at least one of a per occurrence capacity and a cedent capacity, the per occurrence capacity is a predetermined amount of risk that the reinsurer

may assume for a specific type of proposal, the cedent capacity is a predetermined amount of risk that the reinsurer may assume for a specific cedent...(b) developing, for each of the classes of insurance, a proposal to reinsure insurance portfolios of the cedents...(c) posting the proposals on the sever by the reinsurer such that selected ones of the proposals are viewable by selected ones of the cedents through a computer network...(d) initializing on the server a cedent capacity for each of the cedents and a per occurrence capacity for each of the proposals...(e) enabling electronic submission by any one of the cedents of one of the proposals to assume selected risks associated with the cedent as an offer to cede a selected risk for acceptance by the reinsurer...(f) electronically accepting by the reinsurer the offer submitted by one of the selected cedents...(g) electronically recalculating the cedent capacity of the cedent and the per occurrence capacity of the proposal upon accepting the offer...and (h) electronically withdrawing from availability for submission as an offer any of the proposals whose acceptance would reduce the cedent capacity and the per occurrence capacity, as recalculated, below a selected amount.”

Walker does not describe or suggest a method for a reinsurer to sell reinsurance for a plurality of classes of insurance to a plurality of cedents as recited in Claim 16. More specifically, as described above, Walker does not describe or suggest a method that includes calculating an available risk assumption capacity for the reinsurer including at least one of a per occurrence capacity and a cedent capacity wherein the per occurrence capacity is a predetermined amount of risk that the reinsurer may assume for a specific type of proposal and the cedent capacity is a predetermined amount of risk that the reinsurer may assume for a specific cedent, and developing, for each of the classes of insurance, a proposal to reinsure insurance portfolios of the cedents.

Moreover, as described above, Walker does not describe or suggest a method for a reinsurer to sell reinsurance for a plurality of classes of insurance to a plurality of cedents using a server associated with the reinsurer, wherein the method includes posting the proposals on the sever by the reinsurer such that selected ones of the proposals are viewable by selected ones of the cedents through a computer network. Rather, Walker describes a system for facilitating a

syndicated sale of an insurance policy wherein an insurance company posts for viewing by a potential buyer an invitation to offer to buy a share in the underwriting of the insurance policy. In other words, Walker describes a system wherein a cedent (i.e., the insurance company) posts for viewing by a potential risk carrier an invitation to buy a share in the underwriting of an insurance policy. Accordingly, Walker does not describe or suggest includes posting the proposals on a sever by a reinsurer such that selected ones of the proposals are viewable by selected ones of the cedents through a computer network.

Furthermore, as described above, Walker does not describe or suggest a method that includes initializing on the server a cedent capacity for each of the cedents and a per occurrence capacity for each of the proposals, electronically recalculating the cedent capacity of the cedent and the per occurrence capacity of the proposal upon accepting the offer, and electronically withdrawing from availability for submission as an offer any of the proposals whose acceptance would reduce the cedent capacity and the per occurrence capacity, as recalculated, below a selected amount.

Rather, in contrast to the present invention, Walker describes a system for facilitating a syndicated sale of an insurance policy that includes a processing system that transmits for electronic viewing by a potential buyer an invitation to offer to buy a share in an underwriting of an insurance policy. The invitation includes a share having associated therewith a risk cost assessable to a buyer of the share if a payment to an insured is made pursuant to the insurance policy. The system also receives an offer to buy the share that includes information identifying collateral (e.g., a line of credit associated with a credit card) against which the risk cost may be charged if the payment to the insured pursuant to the insurance policy is made. Accordingly, Applicant respectfully submits that Claim 16 is patentable over Walker.

When the recitations of Claims 17-20 are considered in combination with the recitations of Claim 16, Applicant submits that dependent Claims 17-20 likewise are patentable over Walker.

Claim 21 recites a method for a risk carrier to assume monetary risks from a plurality of risk cedents, the method includes “(a) calculating an available risk assumption capacity for the risk carrier including a per occurrence capacity and a cedent capacity, the per occurrence capacity is a predetermined amount of risk that the risk carrier may assume for a specific type of proposal, the cedent capacity is a predetermined amount of risk that the risk carrier may assume for a specific cedent...(b) identifying risk cedents having a class of risk that includes at least one type of risk that the risk carrier is interested in assuming under predetermined terms...(c) posting, by the risk carrier, on a computer network, a plurality of proposals to assume selected risks of the identified risk cedents such that the proposals are viewable through the computer network...(d) initializing on the computer network the available risk assumption capacity of the risk carrier including the per occurrence capacity and the cedent capacity for the risk carrier...(e) enabling electronic submission by any one of the cedents of one of the proposals associated therewith as an offer to cede a selected risk for acceptance by the risk carrier...(f) electronically accepting, by the risk carrier, the offer submitted by one of the risk cedents...(g) electronically recalculating the available risk assumption capacity including the per occurrence capacity and the cedent capacity for the risk carrier upon accepting the offer...and (h) electronically withdrawing from availability or submission as an offer any of the proposals whose acceptance would reduce the available risk assumption capacity including the per occurrence capacity and the cedent capacity for the risk carrier, as recalculated, below a selected amount, such that electronic submission of any of the proposals which have been withdrawn from availability is prevented.”

Walker does not describe or suggest a method for a risk carrier to assume monetary risks from a plurality of risk cedents as recited in Claim 21. More specifically, as described above, Walker does not describe or suggest a method for a risk carrier to assume monetary risks from a plurality of risk cedents that includes calculating an available risk assumption capacity for the risk carrier including a per occurrence capacity and a cedent capacity wherein the per occurrence capacity is a predetermined amount of risk that the risk carrier may assume for a specific type of

proposal and the cedent capacity is a predetermined amount of risk that the risk carrier may assume for a specific cedent, and identifying risk cedents having a class of risk that includes at least one type of risk that the risk carrier is interested in assuming under predetermined terms.

Moreover, as described above, Walker does not describe or suggest a method for a risk carrier to assume monetary risks from a plurality of risk cedents wherein the method includes posting, by the risk carrier, on a computer network, a plurality of proposals to assume selected risks of the identified risk cedents such that the proposals are viewable through the computer network.

Furthermore, as described above, Walker does not describe or suggest a method that includes initializing on the computer network the available risk assumption capacity of the risk carrier including the per occurrence capacity and the cedent capacity for the risk carrier, electronically recalculating the available risk assumption capacity including the per occurrence capacity and the cedent capacity for the risk carrier upon accepting the offer, and electronically withdrawing from availability or submission as an offer any of the proposals whose acceptance would reduce the available risk assumption capacity including the per occurrence capacity and the cedent capacity for the risk carrier, as recalculated, below a selected amount, such that electronic submission of any of the proposals which have been withdrawn from availability is prevented.

Rather, in contrast to the present invention, Walker describes a system for facilitating a syndicated sale of an insurance policy that includes a processing system that transmits for electronic viewing by a potential buyer an invitation to offer to buy a share in an underwriting of an insurance policy. The invitation includes a share having associated therewith a risk cost assessable to a buyer of the share if a payment to an insured is made pursuant to the insurance policy. The system also receives an offer to buy the share that includes information identifying collateral (e.g., a line of credit associated with a credit card) against which the risk cost may be

charged if the payment to the insured pursuant to the insurance policy is made. Accordingly, Applicant respectfully submits that Claim 21 is patentable over Walker.

For at least the reasons set forth above, Claim 21 is submitted to be patentable over Walker.

In addition to the arguments set forth above, Applicant further submits that the Section 103 rejection of Claims 1-3, 5-10, 12-15, and 17-21 is not a proper rejection. The mere assertion that such an apparatus would have been obvious to one of ordinary skill in the art does not support a prima facie obvious rejection. Rather, each allegation of what would have been an obvious matter of design choice must always be supported by citation to some reference work recognized as standard in the pertinent art, and Applicant given an opportunity to challenge the correctness of the assertion or the repute of the cited reference. Applicant has not been provided with the citation to any reference supporting the combination made in the rejection. The rejection, therefore, fails to provide the Applicant with a fair opportunity to respond to the rejection, and fails to provide the Applicant with the opportunity to challenge the correctness of the rejection. Therefore, Applicant respectfully requests that the Section 103 rejection be withdrawn.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 1-3, 5-10, 21-15, and 17-21 be withdrawn.

The rejection of Claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. (U.S. Patent No. 6,119,093) ("Walker") in view of Bestwire, *CNA Life Re Pilots Online System for Direct Writers and Reinsurers*, November 12, 1999 ("Bestwire") is respectfully traversed.

Claim 4 depends from independent Claim 1. Claim 1 is recited hereinabove.

Walker is described above. Bestwire describes a system or website in which direct insurance writers, or cedents, post information on specific insurance contracts or applications for insurance as a proposal for which reinsurers are then invited to make an offer to reinsure or assume a portion of the risk.

Applicant submits that neither Walker nor Bestwire, considered alone or in combination, describe or suggest a method as described in Claim 1. More specifically, neither Walker nor Bestwire, considered alone or in combination, describe or suggest a method for a risk carrier to assume monetary risks from a plurality of risk cedents that includes calculating an available risk assumption capacity for the risk carrier including at least one of a per occurrence capacity and a cedent capacity wherein the per occurrence capacity is a predetermined amount of risk that the risk carrier may assume for a specific type of proposal and the cedent capacity is a predetermined amount of risk that the risk carrier may assume for a specific cedent, and identifying risk cedents having a class of risk that includes at least one type of risk that the risk carrier is interested in assuming under predetermined terms.

Moreover, neither Walker nor Bestwire, considered alone or in combination, describe or suggest a method for a risk carrier to assume monetary risks from a plurality of risk cedents using a server associated with the risk carrier, wherein the method includes posting on the server by the risk carrier a plurality of proposals to assume selected risks of the identified risk cedents such that the proposals are viewable through a computer network.

Furthermore, neither Walker nor Bestwire, considered alone or in combination, describe or suggest a method that includes initializing on the server the available risk assumption capacity of the risk carrier, electronically recalculating the available risk assumption capacity upon accepting the offer, and electronically withdrawing from availability for submission as an offer any of the proposals whose acceptance by the risk carrier would reduce the available risk assumption capacity, as recalculated, below a selected amount.

Rather, in contrast to the present invention, Walker describes a system for facilitating a syndicated sale of an insurance policy that includes a processing system that transmits for electronic viewing by a potential buyer an invitation to offer to buy a share in an underwriting of an insurance policy; and Bestwire describes a system or website in which direct insurance writers, or cedents, post information on specific insurance contracts or applications for insurance as a proposal for which reinsurers are then invited to make an offer to reinsure or assume a portion of the risk. Accordingly, Applicant respectfully submits that Claim 1 is patentable over the cited art.

When the recitations of Claim 4 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claim 4 likewise is patentable over the cited art.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claim 4 be withdrawn.

The rejection of Claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Bestwire, *CNA Life Re Pilots Online System for Direct Writers and Reinsurers*, November 12, 1999 (“Bestwire”) in view of Walker et al. (U.S. Patent No. 6,119,093) (“Walker”) is respectfully traversed.

Bestwire and Walker are both described above.

Claim 11 recites a method for a reinsurer to sell treaty type reinsurance to a plurality of selected cedents using a server associated with the reinsurer, the method includes “(a) calculating an available risk assumption capacity for the reinsurer including at least one of a per occurrence capacity and a cedent capacity, the per occurrence capacity is a predetermined amount of risk that the reinsurer may assume for a specific type of proposal, the cedent capacity is a predetermined amount of risk that the reinsurer may assume for a specific cedent...(b) evaluating an insurance portfolio of each of a plurality of cedents...(c) developing proposals to reinsure selected insurance portfolios of the selected cedents...(d) posting the proposals on the server by

the reinsurer such that the proposals are viewable through a computer network...(e) initializing on the server the available risk assumption capacity of the reinsurer...(f) providing access through the computer network to the selected cedents to view the proposals...(g) enabling electronic submission by any one of the selected cedents of one of the proposals as an offer to cede a selected risk for acceptance by the reinsurer...(h) receiving the offer from the cedent by the reinsurer...(i) electronically accepting, by the reinsurer, the offer from the cedent...(j) electronically recalculating the available risk assumption capacity upon accepting the offer...and (k) electronically withdrawing from availability for submission as an offer to cede a selected risk any of the proposals whose acceptance would reduce the available risk assumption capacity, as recalculated, below a selected amount.”

Neither Bestwire nor Walker, considered alone or in combination, describe or suggest a method for a reinsurer to sell treaty type reinsurance to a plurality of selected cedents as recited in Claim 11. More specifically, neither Bestwire nor Walker, considered alone or in combination, describe or suggest a method that includes calculating an available risk assumption capacity for the reinsurer including at least one of a per occurrence capacity and a cedent capacity wherein the per occurrence capacity is a predetermined amount of risk that the reinsurer may assume for a specific type of proposal and the cedent capacity is a predetermined amount of risk that the reinsurer may assume for a specific cedent, evaluating an insurance portfolio of each of a plurality of cedents, and developing proposals to reinsure selected insurance portfolios of the selected cedents.

Moreover, neither Bestwire nor Walker, considered alone or in combination, describe or suggest a method for a reinsurer to sell treaty type reinsurance to a plurality of selected cedents using a server associated with the insurer, wherein the method includes posting the proposals on the server by the reinsurer such that the proposals are viewable through a computer network.

Furthermore, neither Bestwire nor Walker, considered alone or in combination, describe or suggest a method that includes initializing on the server the available risk assumption capacity

of the reinsurer, electronically recalculating the available risk assumption capacity upon accepting the offer, electronically withdrawing from availability for submission as an offer to cede a selected risk any of the proposals whose acceptance would reduce the available risk assumption capacity, as recalculated, below a selected amount.

Rather, in contrast to the present invention, Walker describes a system for facilitating a syndicated sale of an insurance policy that includes a processing system that transmits for electronic viewing by a potential buyer an invitation to offer to buy a share in an underwriting of an insurance policy; and Bestwire describes a system or website in which the direct insurance writers, or cedents, post information on specific insurance contracts or applications for insurance as a proposal for which reinsurers are then invited to make an offer to reinsure or assume a portion of the risk. Accordingly, Applicant respectfully submits that Claim 11 is patentable over the cited art.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claim 11 be withdrawn.

The rejection of Claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. (U.S. Patent No. 6,119,093) (“Walker”) in view of Bestwire, *CNA Life Re Pilots Online System for Direct Writers and Reinsurers*, November 12, 1999 (“Bestwire”) is respectfully traversed.

Walker and Bestwire are both described above.

Claim 16 recites a method for a reinsurer to sell reinsurance for a plurality of classes of insurance to a plurality of cedents using a server associated with the reinsurer, the method includes “(a) calculating an available risk assumption capacity for the reinsurer including at least one of a per occurrence capacity and a cedent capacity, the per occurrence capacity is a predetermined amount of risk that the reinsurer may assume for a specific type of proposal, the cedent capacity is a predetermined amount of risk that the reinsurer may assume for a specific

cedent...(b) developing, for each of the classes of insurance, a proposal to reinsure insurance portfolios of the cedents...(c) posting the proposals on the sever by the reinsurer such that selected ones of the proposals are viewable by selected ones of the cedents through a computer network...(d) initializing on the server a cedent capacity for each of the cedents and a per occurrence capacity for each of the proposals...(e) enabling electronic submission by any one of the cedents of one of the proposals to assume selected risks associated with the cedent as an offer to cede a selected risk for acceptance by the reinsurer...(f) electronically accepting by the reinsurer the offer submitted by one of the selected cedents...(g) electronically recalculating the cedent capacity of the cedent and the per occurrence capacity of the proposal upon accepting the offer...and (h) electronically withdrawing from availability for submission as an offer any of the proposals whose acceptance would reduce the cedent capacity and the per occurrence capacity, as recalculated, below a selected amount.”

Neither Walker nor Bestwire, considered alone or in combination, describe or suggest a method for a reinsurer to sell reinsurance for a plurality of classes of insurance to a plurality of cedents as recited in Claim 16. More specifically, neither Bestwire nor Walker, considered alone or in combination, describe or suggest a method that includes calculating an available risk assumption capacity for the reinsurer including at least one of a per occurrence capacity and a cedent capacity wherein the per occurrence capacity is a predetermined amount of risk that the reinsurer may assume for a specific type of proposal and the cedent capacity is a predetermined amount of risk that the reinsurer may assume for a specific cedent, and developing, for each of the classes of insurance, a proposal to reinsure insurance portfolios of the cedents.

Moreover, neither Walker nor Bestwire, considered alone or in combination, describe or suggest a method for a reinsurer to sell reinsurance for a plurality of classes of insurance to a plurality of cedents using a server associated with the reinsurer, wherein the method includes posting the proposals on the sever by the reinsurer such that selected ones of the proposals are viewable by selected ones of the cedents through a computer network.

Furthermore, neither Walker nor Bestwire, considered alone or in combination, describe or suggest a method that includes initializing on the server a cedent capacity for each of the cedents and a per occurrence capacity for each of the proposals, electronically recalculating the cedent capacity of the cedent and the per occurrence capacity of the proposal upon accepting the offer, and electronically withdrawing from availability for submission as an offer any of the proposals whose acceptance would reduce the cedent capacity and the per occurrence capacity, as recalculated, below a selected amount. Accordingly, Applicant respectfully submits that Claim 16 is patentable over the cited art.

Rather, in contrast to the present invention, Walker describes a system for facilitating a syndicated sale of an insurance policy; and Bestwire describes a system or website in which the direct insurance writers, or cedents, post information on specific insurance contracts or applications for insurance as a proposal for which reinsurers are then invited to make an offer to reinsure or assume a portion of the risk. Accordingly, Applicant respectfully submits that Claim 16 is patentable over the cited art.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claim 16 be withdrawn.

In addition to the arguments set forth above, Applicant respectfully submits that the Section 103 rejection of Claims 4, 11, and 16 is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Walker using the teachings of Bestwire. More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combinations. It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. Further, it is impermissible to

pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Neither Walker nor Bestwire, considered alone or in combination, describe or suggest the combination(s) in Claims 4, 11, and 16. Rather, the Section 103 rejection of Claims 4, 11, and 16 appears to be based on a combination of teachings selected from multiple references in an attempt to arrive at the claimed invention. Since there is no teaching nor suggestion for the combination of Walker and Bestwire, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason also, Applicant requests that the Section 103 rejection of Claims 4, 11, and 16 be withdrawn.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 4, 11, and 16 be withdrawn.

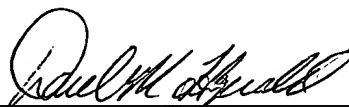
Newly added Claim 22 is an independent claim. Claim 22 is believed to be in condition for allowance and patentable for at least the reasons set forth above. Accordingly, Applicant submits that independent Claim 22 is patentable over the cited art. Additionally, newly added Claims 23-25 depend from independent Claim 22. When the recitations of Claims 23-25 are

considered in combination with the recitations of independent Claim 22, Applicant submits that dependent Claims 23-25 are also patentable over the cited art.

Newly added Claim 26 is an independent claim. Claim 26 is believed to be in condition for allowance and patentable for at least the reasons set forth above. Accordingly, Applicant submits that independent Claim 26 is patentable over the cited art. Additionally, newly added Claims 27-29 depend from independent Claim 26. When the recitations of Claims 27-29 are considered in combination with the recitations of independent Claim 26, Applicant submits that dependent Claims 27-29 are also patentable over the cited art.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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